

2016 No. 815 (C. 58)

CHARITIES

**The Charities (Protection and Social Investment) Act 2016
(Commencement No. 1 and Transitional Provision) Regulations
2016**

Made - - - -

27th July 2016

The Minister for the Cabinet Office makes the following Regulations in exercise of the powers conferred by section 17(4) and (5) of the Charities (Protection and Social Investment) Act 2016(a):

Citation and interpretation

1.—(1) These Regulations may be cited as the Charities (Protection and Social Investment) Act 2016 (Commencement No. 1 and Transitional Provision) Regulations 2016.

(2) In these Regulations—

“the 2011 Act” means the Charities Act 2011(b); and

“the 2016 Act” means the Charities (Protection and Social Investment) Act 2016.

Provisions of the 2016 Act coming into force on 31st July 2016

2. The following provisions of the 2016 Act come into force on 31st July 2016—

- (a) section 2 (investigations and power to suspend), except to the extent that subsection (2) inserts “, a failure to remedy and breach specified in a warning under section 75A,” into section 76(1)(a) of the 2011 Act;
- (b) section 3 (range of conduct to be considered when exercising powers);
- (c) section 4 (power to remove trustees etc following an inquiry);
- (d) section 5 (power to remove disqualified trustee);
- (e) section 6 (power to direct specified action not to be taken);
- (f) section 7 (power to direct winding up);
- (g) section 8 (power to direct property to be applied to another charity);
- (h) section 9(4)(b) (automatic disqualification from being a trustee);
- (i) section 11(5) (records of disqualification and removal), but only to the extent required to bring new subsection (1C) of section 182 of the 2011 Act into force;
- (j) section 14 (reserve powers to control fund-raising); and
- (k) section 15 (power to make social investments).

(a) 2016 c. 4.
(b) 2011 c. 25.

Provisions of the 2016 Act coming into force on 1st October 2016

3. The following provisions of the 2016 Act come into force on 1st October 2016—
- (a) section 10 (power to disqualify from being a trustee); and
 - (b) section 11(5) (records of disqualification and removal) to the extent not already in force.

Provisions of the 2016 Act coming into force on 1st November 2016

4. The following provisions of the 2016 Act come into force on 1st November 2016—
- (a) section 1 (official warnings by the Commission);
 - (b) section 2(2) (investigations and power to suspend) to the extent not already in force; and
 - (c) section 13 (fund-raising).

Transitional provision

5.—(1) In relation to any financial year of a charity which begins before 1st November 2016 and ends on or after that date, section 162A(1) of the 2011 Act^(a) applies as if, in the opening words, for “must” there were substituted “may”.

(2) In sub-paragraph (1), “financial year” and “charity” have the same meanings as in the 2011 Act.

Ben Gummer
Minister for Cabinet Office
Cabinet Office

27th July 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Charities (Protection and Social Investment) Act 2016.

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^(a) Section 162A(1) is inserted by section 13(4) of the 2016 Act.

£4.25

UK201607277 08/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/815>

ISBN 978-0-11-114903-4



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